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U.S. DISTRICT COURT
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S.D. N.Y.

Attorney for Lee Mellis and
Holders of accounts at Bernard L Madoff Investment Securities LLC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITY INVESTOR PROTECTION
CORPORATION

Plaintiff

SIPA LIQUIDATION
(substantially consolidated)

Adv. Pro. No. 08-01789 (BRL)

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,
Defendant.

DESIGNATION OF ITEMS
TO BE INCLUDED IN THE
RECORD ON APPEAL

-----X

In re:

BERNARD L. MADOFF,
Debtor.

-----X

Pursuant to Federal Rules of Bankruptcy Procedure 8006, and in connection with the Notice of Appeal filed by Lee Mellis, Lee Mellis (IRA), Jean Pomerantz and Bonita Savitt ("Appellants"), Appellants hereby supplement the Joint Designation of Items to be Included in the Record and Statement of the Issues to be Presented on Appeal, previously filed by other appellants so that all issues presented in Appellant's Notice of Appeal are part of the statement of issues to be presented on appeal to the

United States Court of Appeals for the Second Circuit from the Order entered by the Bankruptcy Court for the Southern District of New York in the above-referenced proceeding regarding the net equity position as being defined by cash in-cash out, on March 1, 2010 and certified to immediate appeal on March 8, 2010 (the "Order" pursuant to the Certification of Net Equity Order issued by the Bankruptcy Court on March 9, 2010 (the "Certification").

STATEMENT OF THE ISSUES TO BE PRESENTED ON APPEAL

The issues before this court on appeal are numerous and the many parties may create their own related or unrelated questions but these Appellants seek review of the Court's decision based upon the equities and seek redress for the following questions:

1. The appellants were required because of their age and prescribed laws of retirement funds to withdraw funds from their accounts. There is no redress or equity in the Court's decision for such requirements versus others in the class who were not so required. Therefore there is an element of age discrimination in the determination made by the court below.
2. The appellants paid money into the fund as recently as one month prior to the collapse of the fund. Those funds were cash in and were not taken out. Therefore, according to the determination of the Court below such funds should be insured. However, because they were put into accounts opened and maintained for years, the Court's decision would have the Trustee take the

position that there was negative equity and therefore even those last investments are lost. Therefore there is an inequity in the class of victims as someone who paid the same amount of money into a new account on the same day would have that fund repaid from SIPC insurance, but the appellants do not have those funds available.

3. There was no evidence taken or allowed.
4. These appellants were not allowed to address the Court orally despite the presence of their counsel at the hearing.
5. Legislative history of the SIPA laws and SIPC's reason for being are not in keeping with the holding of the court below.
6. Case law and precedent are not in keeping with the holding of the court below.
7. The statements maintained by a commercial enterprise (despite the fraudulent nature of those statements, unknown to the victims) must be dispositive of the amounts which were insured by SIPC, as the position of the Trustee, which was agreed upon by the Court below makes accounts stated no longer an applicable matter of commerce as there is no reliance on any document or documents written over time.
8. Other questions brought up to the Court in the original documents submitted in opposition to the Trustee's motion will also be addressed in an appeal.
9. Such other and further related issues will be addressed in an appeal.

DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

The Appellants original Objection and Response to the Motion was filed by the

Appellants attorney on November 13, 2009 docket # 817.

The Appellants objected to the position of the Trustee in denying the claims of the Claimants (Appellants) with respect to SIPC in particular to the Trustees argument with respect to "Net Equity".

As well as all other "Net Equity" Motions, Declarations, Orders, and Notices in the substantially consolidated SIPA Liquidation and Madoff Bankruptcy.

Respectfully submitted,



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Service of the above NOTICE OF APPEAL was effected by US Mail upon:

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective counsel are as follows:

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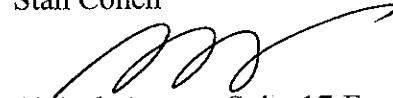
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DATED June 29, 2010
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